

GREENVILLE CITY COUNCIL MINUTES

September 25, 2006
Greenville, NC

The Greenville City Council met on the above date at 6:00 p.m. in the City Council Chambers of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Glover and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Patricia Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
David A. Holec, City Attorney
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk

APPROVAL OF AGENDA

Motion was made by Council Member Glover and seconded by Council Member Spell to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mayor Parrott recognized the 12U Pitt County Girls Softball League for winning the World Series. No representatives were present.

RECONSIDERATION OF GREENVILLE SOUTHWEST BYPASS CORRIDOR RESOLUTION - PREVIOUSLY ADOPTED RESOLUTION RESCINDED; NEW RESOLUTION ADOPTED SUPPORTING CORRIDOR #4

Mr. Eric Galamb of Lochner Engineers stated that each road project starts with the purpose and need statement, which for the Southwest Bypass Project is to provide transportation improvements to ease existing and future traffic congestion on Memorial Drive and Stantonsburg Road in the vicinity of southwest Greenville, Winterville, and Ayden in Pitt County. The Southwest Bypass project has been going on since the early 1990s. Mr. Galamb displayed a graphic with four corridors plus the upgraded existing route and stated that the Merger Team accepted all four alternatives plus the upgrade existing as meeting the purpose and need. In December 2003, the Renston Rural Historic District was added to the National Register of Historic Places. The Department of Transportation is required to look at an avoidance alternative, which is #5. During late 2003, they completed a traffic study with the intersection of NC 11 and the various alternatives being carried forward. These alternatives showed a traffic

pattern deficiency. They then looked at creating an interchange. The interchange at 102 and Memorial Drive would result in the taking of 12 businesses that employed over 150 people. The Department of Transportation then came up with the extension that avoided impacting the businesses and the employment centers. Thus, the detailed study was carried forward in 2005. Three corridors were approved by the Merger Team in 2005. Each one of those corridors meets the purpose and need and each one can be constructed. In April 2005, they came to a citizen's workshop, and impacts were presented to the public. The relocations were determined using functional design, which is a lower level of study, putting a thick line on a map. The Department of Transportation counted potential impacts. Their report dated February 16, 2005 showed 67 relocations for Corridor 1B, 45 for Corridor 4 and 57 for Corridor 5; the number of stream crossings were 22, 9 and 23 respectively; riparian buffer impacts were 4.2, 0.9 and 3.5 respectively; wetland acreage was 0.5, 0.0 and 1.5 respectively. Relocations increased in July 2006 as development increased, causing relocations to change to 69 in Corridor 1B, 44 in Corridor 4 and 98 in Corridor 5. Design is a preliminary design where they took it one additional level and considered potential service roads. During the workshop held in 2005, the total costs had not been calculated. The total cost is \$179 million for Corridor 1, \$180 million for Corridor 4 and \$187 million for Corridor 5.

Mr. Galamb stated that the Department of Transportation feels that public comments are important. Three workshops and public hearing were held, and the Department will accept comments on the draft DEIS until October 19. The project schedule is as follows:

- Fall 2006--Least environmentally damaging practicable alternative--concurrence point 3
- Spring 2007--final environmental impact statement
- Fall 2007--record of decision
- Spring 2009--right-of-way acquisition
- After 2012—construction

Mr. Galamb concluded by stating that no monies have been appropriated to construct this project yet.

Upon questioning by Council Members, the following information was provided. Corridor 5 was developed in 2005. The Renston Historic District was avoided because of a Section 4F Law that requires the Department of Transportation to look at an avoidance alternative. That was a DOT alignment, and public involvement was associated with that. The design was actually done by Lochner Engineers. The Federal Highway Administration has maintained their involvement looking at, concurring, and signing the draft DEIS, meaning that if the project is continued and there is a need for federal funds, they would not have to backtrack and do the environmental documents. This project, however, is being treated as a State funded project. Funding has not yet been set. Ms. Beth Smyer of the Department of Transportation stated that as of the public hearing date, it was still a State-funded project. They do involve the Federal Highway Administration in the event it does switch. "Relocation" involves houses that are either existing or that have had some reasonable progress. Corridor 5 was put on the plan in 2004, Corridor 1B was early in the process or 2002, and Corridor 4 was in 2002. Determination of the Least Environmentally Damaging Practical Alternative (LEDPA) is the date that the alternative will be selected by the Department of Transportation, and that is scheduled for this fall. As of

the public hearing date, it is still a State-funded project. Historic properties are afforded protection that the laws require, and the Department of Transportation is required to look at avoidance alternatives. The establishment of a historic district was done in 2003.

Council Members expressed that environmental concerns need to be taken into account as well as historic issues, as well as the fact that there are historic farms in Corridor 5 as well as 4.

After discussion about the environmental impacts, Mayor Parrott thanked the speakers for attending the meeting.

Council Member Little stated that when Council first acted on this in June, a one-page summary sheet and map were presented to Council. Since that time, there has been a lot of information provided. He went to the public hearing on September 7 where they learned more about that project. Since that time the draft EIS has been signed off on and is available. In light of the new information that has become available, he wanted to bring it back up. The Council has asked that Corridor 5 be the leading corridor. The purpose of the project is to improve the traffic flow and congestion on NC 11. The map shows that it makes more sense to pick the one closest to NC 11. All three corridors would meet by reducing the traffic by 50%. Now the Council needs to look at what the other alternatives are. The Department of Transportation will ultimately make the decision; however, they may listen to the recommendations of the Council. The Council needs to consider the historic value, which is a misleading part of this resolution. He is willing to change his mind.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt a resolution rescinding the previously adopted resolution and supporting Corridor 4 as the preferred alternative.

Mayor Pro-Tem Council stated that she enjoyed hearing from the various segments of the community to give input on all the corridors.

Council Member Dunn thanked the citizens for the contacts made with the City Council.

Council Member Spell offered an amendment to the motion to ask the Department of Transportation to do its best to avoid historic properties within the corridor, maybe adjusting boundaries and considering noise.

Mayor Parrott stated that they can possibly tweak it within the corridor, but it can't be moved.

Council Member Little stated that he would prefer that the resolution be specific on the corridor only.

The motion made by Council Member Little and seconded by Council Member Craft to adopt a resolution rescinding the previously adopted resolution and supporting Corridor 4 as the preferred alternative was then voted on and carried unanimously. (Resolution No. 06-45)

AGREEMENT WITH EAST CAROLINA UNIVERSITY FOR POLICE COOPERATION
AND CAMPUS LAW ENFORCEMENT AGENCY EXTENDED JURISDICTION -
APPROVED

City Manager Bowers reminded the Council that last winter there were many crimes around the University. The two police departments have worked together to try to come up with a solution. This agreement gives the campus police arrest authority in certain areas.

Council Member Spell asked if this would allow East Carolina University to do something in terms of enforcing parking, to which the City Manager responded that East Carolina feels they have enough responsibility on campus. This agreement gives them some authority in areas off-campus; however, the City retains primary authority.

Upon being asked if East Carolina has said they would step up enforcement, Chief of Police William Anderson replied that is correct.

Upon being asked if this addresses fraternity and sorority houses, including informal ones, City Attorney Holec replied that it would address formally recognized fraternity houses. Use of a house as a fraternity or sorority house without the appropriate permit is a zoning violation, not a criminal offense. That would be for code enforcement, which this agreement does not cover.

City Manager Bowers stated that it is hoped the University will work with the City on such issues; however, that is not the purpose of this agreement.

Council Member Glover expressed concern about the possibility of University students being profiled if they are approached by someone other than a Greenville police officer.

Chief of Police Anderson stated that would be up to East Carolina University Chief of Police Stroud and his department and investigating complaints that might come out of those situations.

City Manager Bowers stated that if the City does experience problems, the agreement may be terminated.

Mayor Pro-Tem Council expressed that the University has its variety of staff to take care of what goes on. Her concern is that State schools should take care of what goes on on their campus unless it filters into the community. The City needs to send the message that they are working together to ensure that the whole city is safer. Hopefully, some sensitivity training will occur.

Motion was made by Council Member Craft and seconded by Council Member Dunn to approve the agreement with East Carolina University for police cooperation and campus law enforcement agency extended jurisdiction. Motion carried unanimously. (Contract No. 1535)

APPROVAL OF SUBLEASE BY THE GREENVILLE-PITT COUNTY CHAMBER OF COMMERCE TO COMMUNITIES IN SCHOOLS FOR SPACE IN THE FLEMING HOUSE - APPROVED

City Attorney Holec stated that the Greenville-Pitt County Chamber of Commerce President would like to sublease the third floor of the Fleming House to Communities in Schools, a non-profit organization affiliated with the Pitt County Education Foundation. The leasing will not impact the Chamber's use of the building and 1/3 of the lease payment will pay the Chamber's increased utility amounts and the balance will be used to support the Chamber's Partners in Education Program. The sublease provides for \$450 per month lease. The City leases the building to the Chamber and provides that any sublease must have approval of the City Council.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to approve the sublease by the Greenville-Pitt County Chamber of Commerce to Communities in Schools. Motion carried unanimously. (Contract No. 1536)

ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO RECREATION AND PARKS FEES - APPROVED

City Manager Bowers stated that this is a recommendation of the Recreation and Parks Commission.

Mr. Bill Twine, Recreation Supervisor, stated that this is a recommendation to amend the Manual of Fees as it relates to Recreation and Parks fees and is a clarification of the existing policy. The ordinance states that programs may be added or dropped at any time and therefore the fees are subject to change as approved by the Recreation and Parks Commission. It also says that the Recreation and Parks Commission may waive, in whole or part, fees which are related to programs conducted in coordination with another organization or individual, which is assuming all or a portion of the expense of the program. It is currently at the end of the Manual of Fees. The Recreation and Parks Commission felt the paragraph needed to be reworded to reflect present policy and that it be placed at the beginning of the Recreation and Parks portion of the Manual of Fees, making it more visible. The Recreation and Parks Commission reviewed the changes and unanimously approved them at the September meeting and recommended that the City Council approve the ordinance.

Council Member Glover stated that a letter had been received from a citizen concerned about having all or part of the fees waived. He had asked how the Council could be sure the decisions made by the Recreation and Parks Commission are fair. Even though the City has an appointed Recreation and Parks Commission, the Council is the steward of taxpayers' money.

Mr. Twine stated that the Recreation and Parks Commission members are stewards of what staff does. The Department works with a lot of agencies that they do programs with and can always provide documentation. With the number of programs being offered, the staff has to use outside agencies. It is a win-win situation and is very fair. The brochure lists fees. If the fees are adjusted, the Commission approves them.

Mayor Parrott stated that the meetings are open to the public.

Mayor Pro-Tem Council stated that there are a lot of activities offered throughout the City. She encouraged the citizens to use as many as possible, because they are good programs providing health, wellness and fun. They also give the children a variety of things to do and expose them to different things.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance amending the Manual of Fees relating to Recreation and Parks fees. Motion carried unanimously. (Ordinance No. 06-100)

RESOLUTION AUTHORIZING THE SALE OF THE KEEL WAREHOUSE PROPERTY
PURSUANT TO THE NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID
METHOD - ADOPTED

City Attorney Dave Holec stated that Garriss Evans has offered \$200,000 for the Keel Warehouse property to be used in connection with the business they own. The City would retain the 15 foot landscape easement and the sewer easement. Additionally, the offer provides that the City is responsible for the demolition and its expense of the warehouse and concrete slab. The agreement also contains some other conditions that would be gone through after the upset bid process if Council accepts the offer. One is that there would be an amendment to the City's Zoning Ordinance allowing outside storage connected to the lumber sale use of the property. Currently, one half of the property near Dickinson Avenue is in a district that does not allow outside storage. The most appropriate way to do this is to have it as a special use so that conditions and restrictions could be placed on it if it is granted. That does not obligate the City to approve the amendment. Another condition is that Watauga Avenue be closed from the railroad right-of-way for a distance of approximately 180 feet to a point approximately 100 feet southerly to Broad Street to ensure that their property is contiguous. This is also an acceptable condition. When the request comes to Council, however, the Council still retains the discretion whether or not to approve the closing of the street. If approved by Council, this request will be advertised for upset bid. If a higher bid is received, it will be advertised again until they get to the point that there are no higher bids. At the end of the process, the highest bid will be presented to Council. At that time, Council has the discretion as to whether to accept the offer. The estimated cost for the demolition is in the \$30,000 to \$70,000 range, which would be paid for by the City.

Upon being asked if the City has a need for the property, Public Works Director Tom Tysinger responded that it did not in the condition the property is in.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt the resolution authorizing the sale of the Keel Warehouse property pursuant to the negotiated offer, advertisement, and upset bid method. Motion carried unanimously. (Resolution No. 06-46)

RESOLUTION ESTABLISHING A POLICY FOR USE OF THE CITY COUNCIL CHAMBERS - ADOPTED

City Manager Bowers stated that the Council Chambers in the old Municipal Building was used by such groups as the League of Women Voters for such events as Candidates' Forums. The League has requested that the new Chambers be used for a Candidates' Forum. The resolution presented to Council allows nonpartisan, nonprofit Greenville based organizations to use the room for events open to the public and to allow the capability to record the meetings. The direct costs would be paid for by the organization, which was done in the past. This carries on what was done in the past; however, there was not previously a written policy. The resolution establishes such a policy.

Motion was made by Council Member Spell and seconded by Council Member Dunn to adopt the resolution establishing a policy for use of the City Council Chambers. Motion carried unanimously. (Resolution No. 06-47)

Upon being asked, City Manager Bowers and Public Information Officer Steve Hawley responded to questions regarding the fee, informing the Council that in the past it cost \$250 for each forum. The events could be on the public access channel. It is possible to have the City's signal broadcast on Channel 23, the public access channel. The City will actually broadcast for them and then give the programming to Suddenlink for them to broadcast. The \$250 paid in the past was for the person recording the meeting. The length of time the League of Women Voters usually uses the facility is around four hours, including the setup time.

PRESENTATIONS ON ELECTRONIC AGENDA PREPARATION SOFTWARE AND STREAMING VIDEO OF CITY COUNCIL MEETINGS

Ms. Donna Raynor, Administrative Services Specialist, explained the electronic agenda packet, MuniAgenda, to the City Council and explained that staff plans to have a dual system for a month or two and then go live with the electronic agenda in December or January.

Mr. Rex Wilder, Information Technology Director, explained to the Council the options they would have for receiving their agenda packets when the City begins using MuniAgenda. Those options include receiving the packet on cd, from the internet, or to continue receiving the book.

Ms. Wanda Elks, City Clerk, gave a demonstration of Granicus, the webstreaming software that allows the public to view the meetings, minutes, agendas, ordinances, resolutions and contracts via internet. September 11, 2006 was the first meeting that was streamed live.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Dunn thanked the staff for the efforts to go high tech. She also thanked those responsible for the United Way Chili and Rib Cookoff.

Council Member Glover stated that this is All-Inclusive Cities Week.

CITY MANAGER'S REPORT

City Manager Bowers reminded the City Council of the Chamber of Commerce's Educational Summit to be held on October 5, the joint meeting with the Washington City Council to be held on October 23 at Bradford Creek Golf Course, and the joint meeting with the Pitt County Commissioners on October 30 in the City Council Chambers.

ADJOURNMENT

Motion was made by Council Member Little and seconded by Council Member Spell to adjourn the meeting at 8:05 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk